

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Consolidated Cases Of:

JOANN MENOSKY, CLEO BAUDER,
NELLIE POTTS, BEVERLY HAGER,
and VERONICA BRISSETTE

Plaintiffs,

v.

CITY OF FLINT,

Defendant.

Case No.: 10-cv-11804

Judge: Mark A. Goldsmith

KATHLEEN ASHLEY, JO ELLEN BAILEY,
CAROLYN BARHITE, BETTY BICKELL,
ROXANN BOISCLAIR, MARY BOSAK,
GENEVIEVE BUNDY, SANDRA BYBERNEIT,
BARBARA GEORGE, BARBARA HATCH,
MADALINE LARSON, ALICE LODER,
FRANCIS MCKENZIE, MAXINE PALMER,
ESTHER PIPER, NOMA POMAVILLE,
DARLENE ROSSER, JANET RUTTER,
DEVONA STEVENS, MYRTLE WASHINGTON,
LORRAINE YOUNG, ALBERTA ZIMMER

Plaintiffs,

v.

CITY OF FLINT, DONNA POPLAR, &
ROBERT ERLÉNBECK

Defendants.

Case No.: 11-cv-12588

Judge: Mark A. Goldsmith

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CONSENT JUDGMENT

1. This Consent Judgment encompasses all understandings between the name

Menosky Plaintiffs, being Joann Menosky, Cleo Bauder, Nellie Potts, Beverly Hager, and Veronica Brissette and the named Ashley Plaintiffs, Kathleen Ashley, Jo Ellen Bailey, Carolyn Barhite, Betty Bickell, Roxann Boisclair, Mary Bosak, Genevieve Bundy, Sandra Byberneit, Barbara George, Barbara Hatch, Madaline Larson, Alice Loder, Francis Mckenzie, Maxine Palmer, Esther Piper, Noma Pomaville, Darlene Rosser, Janet Rutter, Devona Stevens, Myrtle Washington, Lorraine Young, Alberta Zimmer (hereafter referred to as the “Menosky Plaintiffs” and the “Ashley Plaintiffs”) and Defendants The City of Flint, a Michigan municipal corporation, Donna Poplar, and Robert Erlenbeck (hereafter referred to as Defendants).

2. For and in consideration of the promises set forth in Paragraph 3 of this Consent Judgment, Plaintiffs agree to the following:

A. The Menosky Plaintiffs and the Ashley Plaintiffs agree to dismiss all claims they have for damages, injunctive or equitable relief, attorney fees and costs **with prejudice** arising out of their suit against Defendants. This dismissal with prejudice shall not be construed as a prospective waiver of future rights or causes unrelated to the claims which are being dismissed by this Consent Judgment.

3. For and in consideration of the promises of the Menosky Plaintiffs and the Ashley Plaintiffs set forth in Paragraph 2 of this Consent Judgment, Defendant consents to entry of judgment with the following terms:

A. The City of Flint shall continue the health care benefits for those Plaintiffs (*known as the Menosky Plaintiffs*) whose benefits were not terminated pending resolution of this dispute. The City of Flint must reinstate the health care and prescription benefits of those Plaintiffs (*known as the Ashley Plaintiffs*) whose

health care was cut off by the City of Flint March 1, 2010 and not restored by way of an injunction or agreement to reinstate in this lawsuit.

B. The insurance continued or reinstated as described in A. **above** will require reinstatement to the modified plans under EM Orders Numbers **24** and **25** , entered on **April 25, 2012** and not the benefits that they had at the time the benefits were terminated. However, if the Plaintiffs in the case of Welch et al v Brown et al; Case No: 2:12-cv-13808- AJT-MKM currently pending in the United States District Court for the Eastern District of Michigan are successful in **challenging** the modifications by the EM, resulting in reinstatement of coverage levels prior to Orders 24 and 25 or obtaining more comprehensive coverage than the insurance as modified by the Emergency Manager, these Plaintiffs shall also be entitled to the court ordered reinstatement or modifications. Moreover, these Plaintiffs who receive prescription benefits that fall within the parameters of the injunctive relief issued by Judge Hayman in the consolidated cases of Dicks et al v City of Flint, Case No. 00-69878-NZ , and Yurk et al v City of Flint, Case No. 01-71149-NZ currently pending in the Circuit Court for the County of Genesee in the State of Michigan will continue to benefit from that injunction unless **and until** it is terminated or modified by Judge Hayman or by operation of law. And last, these Plaintiffs shall only be entitled to benefit from any relief granted in the Welch or Yurk matter if they would otherwise have been among the class of persons entitled to relief notwithstanding this Consent Judgment. It is not the purpose of this Consent Judgment to afford these Plaintiffs any greater rights than they would otherwise have had available to them in the

absence of any order of the Emergency Manager.

C. The City will provide health care benefits referred to in paragraphs one and two above for six (6) years beginning from the date a Consent Judgment is entered by the Court in this matter. No action taken or relief granted in either the Yurk or Welch matters shall affect the 6 year period as running from the date of this Consent Judgment.

D. The terms of the settlement between the parties to this matter are embodied in this Consent Judgment and, as a condition of its final order of dismissal, this Court shall expressly retain jurisdiction to issue Orders to enforce its terms against the City of Flint, or any person otherwise empowered to change the insurance benefits described in Paragraph 3 A as permitted by law.

4. Plaintiffs and Defendants agree that this Consent Judgment is entered into knowingly and voluntarily, after having the opportunity to review the terms and discuss them with their respective counsel.

Stipulated and agreed to as to form and substance:

/s/Gregory T. Gibbs
Gregory T. Gibbs (P 26440)
Alec Scott Gibbs (P 73593)
Attorneys for Plaintiffs

Dated: November 12, 2012

/s/Thomas Kent
Thomas Kent (P55863)
FLINT-DEPUTY CITY ATTORNEY
Attorney for Defendants

Dated: November 12, 2012

APPROVED AND ORDERED this 14th day of November, 2012.

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge